

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JAWAYNE WATKINS,

Defendant.

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**DECISION AND ORDER**  
18-CR-32-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On July 22, 2019, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 81) that recommends that defendant Watkins' motions to suppress and dismiss (Dkt. No. 51) be denied, and denied the defendant's motion for a bill of particulars. The defendant filed objections to the recommendations and appealed the order. Dkt. No. 82. The United States filed responses. Dkt. No. 84. The Court heard oral argument on September 16, 2019.

Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo* determination of those portions of a report and recommendation to which objections have been made. After reviewing the submissions of the parties, having heard oral argument, and upon *de novo* review, it is hereby

**ORDERED** that the motions to suppress and dismiss of defendant Watkins are denied for the reasons stated in the Report, Recommendation and Order. Dkt. No. 81. The Court has considered the defendant's objections, and finds them to be without

merit, and it is

**ORDERED** that defendant Watkins' appeal of the denial of his motion for a bill of particulars is denied. That denial by the Magistrate Judge was neither clearly erroneous nor contrary to law. It is further

**ORDERED** that the parties shall appear to set a date for a change of plea or a trial on October 17, 2019, at 9:30 a.m.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 15, 2019